

ASSET FORFEITURE

Timbs v. Indiana, --- U.S. --- (2019)

Decided February 20, 2019

FACTS: Timbs pleaded guilty in an Indiana state court to dealing in a controlled substance (heroin) and conspiracy to commit theft. At the time he was arrested, the police also seized a Land Rover SUV, valued at \$42,000, that he purchased with money he received as a result of his father's death. Indiana sought forfeiture of the SUV under civil law, claiming the vehicle had been used to transport the heroin. The trial court agreed that the vehicle had been used to transport heroin, but denied forfeiture because state law limited the fine for such an offense to \$10,000. The trial court found forfeiture unconstitutional under the Eighth Amendment's Excessive Fines Clause as grossly disproportionate to the severity of his actual crime. However, the Indiana Supreme Court disagreed, finding that clause applies only to federal actions.

Timbs requested certiorari and the U.S. Supreme Court granted review.

ISSUE: Is the Eighth Amendment's Excessive Fines Clause applicable to the states under the Fourteenth Amendment's Due Process Clause?

HOLDING: Yes

DISCUSSION: The Court noted that initially, the Bill of Rights applied only to the Federal Government. However, over time, as cases came before the Court, it accepted (with only one exception) the specific protections in each to the States under the Fourteenth Amendment (the Due Process Clause). Each of the fifty states have, in the state Constitution of each, a provision prohibiting the imposition of excessive fines. An excessive fine, it was noted, violates the "penal goals of retribution and deterrence."

The Supreme Court disagreed with Indiana's argument that the Excessive Fines Clause does not apply in "civil *in rem* forfeitures."

The Court vacated the forfeiture of the vehicle and remanded the case.

Full Text of Opinion: https://www.supremecourt.gov/opinions/18pdf/17-1091_5536.pdf